

Delta Long Term Management Strategy

June 30, 2006

Meeting Summary

On Friday, June 30, 2006, a meeting concerning the Delta Long Term Management Strategy (Delta LTMS) was held at the California Bay-Delta Authority in Sacramento. The meeting was called to discuss:

- Goals and organizational structure of the Delta LTMS—including participant roles and responsibilities
- Charter to secure the commitment of participating organizations
- Details of upcoming meetings
- Potential issues for Delta LTMS project studies

Overview of Delta LTMS Program Goals and Objectives

Charles Gardiner, facilitator with CirclePoint, welcomed the group and asked meeting attendees to introduce themselves. A list of participants is at the end of this meeting summary. Al Paniccia, US Army Corps of Engineers (USACE) from the SF District, introduced himself as the project manager for the Delta LTMS. He thanked attendees for coming and explained that this meeting is not the official kick-off meeting—that will happen later in the summer with the first Executive Committee meeting. Al introduced Bill Brostoff who will be the technical studies manager for the project. Bill reviewed the purpose, goals, objectives and activities of the Delta LTMS. He explained that development of the LTMS will proceed in phases (process initiation, process chartering, Sediment Management Plan, ongoing regulatory process improvements). He added that ongoing technical work includes the development of a Delta sediment database, and that a presentation on the Delta LTMS is planned for the CALFED Bay-Delta Science Conference in October.

Al discussed the proposed structure of the LTMS, noting that five agencies were instrumental in developing the Delta LTMS Framework (USACE, US Environmental Protection Agency, CA Department of Water Resources, Central Valley Regional Water Quality Control Board, and California Bay Delta Authority). He distributed a graphic illustrating the proposed LTMS structure and explained the different levels of commitment expected for LTMS participants. The highest level of commitment for agency involvement is participation in the Executive Committee, where directors of state and federal decision-making agencies meet as needed to provide policy direction. A Management Committee comprised of deputy-level managers of state and federal agencies will meet quarterly, providing oversight to the Interagency Working Group and the Policy Review Group. The Interagency Working Group (IWG), comprised of program-level staff of the five LTMS Framework agencies, meets monthly and is on the same level as the Policy Review Group. Remaining federal, state, regional, and local agencies, stakeholders and interest groups will be a part of the Policy Review Group, which meets monthly or as needed to provide input into the management process. It was noted that the LTMS must be constructive, and it is often challenging to reach consensus with a larger group.

In response to a question, Al explained that the LTMS has broad goals to accommodate various projects. It would not make sense to list each Delta dredging project as a goal, nor to have the LTMS list goals related to specific dredging projects.

Since the Delta LTMS is being modeled after the SF Bay LTMS, meeting participants asked for an explanation of its process and success. Brian Ross, USEPA, provided some background. He said it has taken a while for it to get started, which he attributed to the debate over the quality of dredged material, where to place it, and who pays. Brian commented that a critical success factor was early consensus from all participants that dredging must happen for navigational purposes, and that dredging must be protective of the environment. Participants did develop some standards, but a lot of time (between five and six years) was spent getting everyone on board and finding agreement on technical studies. Work started with the Dredged Material Management Office in 1995 and the Management Plan was published in 2001.

Arijs Rakstins clarified that the effort truly began in 1990. Since the Corps needed to continue to dredge, they developed a Joint Agency Forum and established a group to review dredge permits each month. Through the Bay LTMS, channels and harbors were deepened, and wetlands were planned or developed using dredged materials.

Ellen Johnck, who as part of the Bay Planning Coalition was involved in the SF Bay LTMS, added that the Bay LTMS led to the development of a Dredge Office to coordinate dredging, disposal, and placement of dredged material. The Dredge Office reviews permits every six weeks.

Darryl Foreman suggested working backwards—first identify places suitable for dredged material placement and then dredge. Alex Hildebrand commented that placement of dredged material in the Delta should be more clear-cut than it was in the Bay. It is needed in the Delta for levee stability. Dredged materials could also be sold to counties that need or want it, like San Joaquin and Stanislaus.

Tom Zuckerman commented that the last time a large effort was made to coordinate a dredge permit, all the agencies that needed to be involved were, with the exception of CVRWQCB, who did not have adequate funding for staff. Tom asked how that would be avoided this time. Arijs explained that this effort is largely funded by the USACE (95%) and the rest from USEPA (5%). Sue McConnell added that last time, the California Environmental Quality Act document and process was the road-block. She agreed that there were not enough staff resources before, but reiterated Arijs' comment that the USACE and USEPA are coordinating this study.

Roberta Goulart observed that the proposed structure for the Delta LTMS is very similar to that of the Bay LTMS, very top-heavy; she commented that the Delta LTMS should be an improvement from the Bay LTMS. She asked if National Oceanic and Atmospheric Administration (NOAA) or CA Fish and Game should be on the Executive Committee since they have a great deal of influence in the permit process and knowledge about the Delta environment. She said there should be more communication between stakeholders. She asked for clarification if members of the Policy Review Group could also attend Management Committee meetings—

she was told that there will be public comment time in both Executive and Management Committee meetings.

Roberta commented that they need to get a legislative champion for this project to help with the funding. She said there was some tension in the Bay LTMS because many of the stakeholders worked to get funding but they didn't feel as if they could provide much input through the committee structure. Groups like hers and Ellen Johnck's can secure funding for scientific studies—let them help but also get a legislative champion.

Returning to the PowerPoint presentation, Al explained that related programs would be coordinated with and given due process. He was asked what the role of the LTMS would be concerning land use since that is county and city-regulated. He responded that the LTMS should be aware of local land use actions and decisions that may impact the Delta.

Brian added that the Delta Vision process would really be looking at the big picture that includes land use and transportation planning. Darryl commented that although it is often within the authority of a county, many land use decisions happen independently.

Potential LTMS Study Topics

Sarah Layton Wallace reviewed potential LTMS study topics suggested through stakeholder interviews conducted in summer 2005. Recommended studies fell into one of six major categories—regulatory process, dredging activity/quantities, beneficial use and placement capacity, testing protocols, sediment quality, and emergency procedures. She asked if there were other studies that should be considered.

Gil Labrie asked if the group had been reviewing or using the Delta Dredging and Reuse Strategy that had been funded by CALFED in 2002. He said that most of the information in that Strategy is still accurate and it addresses many of these potential study issues. Jessica Burton Evans responded that the USACE is using that as a starting point. Brian commented that the database is different.

Tom Zuckerman asked if standards are discussed in that strategy. Brian responded that numerical sediment standards have not been developed yet. Tom commented that last time, they were looking for comparison standards with out-of-state studies, which made no sense. Brian responded that the CA State Water Board will be in charge of sediment standards and will make CA specific recommendations. Jessica explained that the State Water Board will develop sediment standards similar to TMDLs.

Brian commented that the sediment standard would ultimately need approval from the USEPA, but the real issue will be approval of the Policy Plan, which will be Delta specific. George Basye asked if there have been conversations with local stakeholders about the Plan. He was told that there has been a considerable effort to solicit local input. George and his fellow local farmers/water agency folks replied that they have never heard of such an effort. Jessica told them that the contact at the State Water Board is Chris Beegan—he is leading the study and has been holding meetings.

Meeting participants agreed that a definition is needed to describe the effects of dredged material placement. Arijs commented that this process will not result in the CEQA document for the State Water Board—all of these processes must work together.

Alex commented that on-going maintenance dredging (like what is done for the ship channels) must happen throughout the Delta. Because of the permit hassles and headaches, though, no one wants to do maintenance dredging.

A participant asked if the Delta LTMS should consider sand removal and placement in addition to dredged materials. Richard Stradford responded that the Delta LTMS should do all that it can to help the State Water Board work out the problem.

Gil asked that the LTMS examine dredging protocols and the possibility of wider dredging windows. Walter Yep recommended researching the demand and value of using dredged material for various uses. There is a report out about the topic. Dredged material can be valuable.

Other ideas that were suggested include:

- Dredging equipment availability
- Flood control
- Water quality
- Air quality

Tom recommended that LTMS participants read the findings of the University of Pacific Delta Vision Conference held on June 7-8.

Roberta commented that the Framework document is a good start. She encouraged others to read it and provide suggestions to the Corps. She recommended staying focused and to involve the agencies involved in ecosystem restoration.

Sue asked if environmental groups such as the DeltaKeeper were going to be involved in the LTMS process. Brian responded that public and environmental groups should be included, but not until the process is ready. One needs to actively work to get them involved before they sue. Some meeting participants commented that consensus will never be reached if groups like the DeltaKeeper are involved.

Organizational Structure, Roles, Responsibilities

Charles reviewed the slides which further detailed the participant characteristics, purpose, and meeting frequency of the various committees envisioned for the LTMS.

Roberta commented that perhaps the State Water Board should be on the Executive Committee. If not, ensure that the CVRWQCB keeps them informed. Someone responded that it might be considered a conflict of interest to have them at the table.

Roberta repeated her previous comment that Department of Fish and Game should also be involved at this level. Others voiced their support for involving DFG in the Executive Committee. Ellen responded that if an Environmental Impact Report is developed because of the LTMS process, DFG will have to provide a Biological Opinion. Recognizing a potential conflict of interest, DFG biologists should be able to attend meetings but they might not be able to make comments. The group decided to invite them to IWG or Management Committee meetings—if they have the desire and staff, they will participate.

Walter added that the Coast Guard and CA Boating and Waterways have permit responsibilities regarding navigation; perhaps they should be added. He also suggested including US Fish and Wildlife Service.

Roberta asked for assurances that the IWG would attend the Policy Review Group meetings. She was informed that the IWG would convene the Policy Review Group. Gil suggested holding conference calls in place of meetings to ensure greater participation.

The group discussed the need for subcommittees, and the potential benefits of combining all the groups into fewer ones. It was mentioned that there will be some issues that only the regulatory agencies need to discuss, so groups will remain separate for the time being.

Brian clarified for the group that the Science Advisory Teams would be independent, not agency-related. It would be similar to a peer review and not a forum for consultants. It would be like the CALFED Science Board, National Academy of Sciences, university professors, etc—set up so that conflicts of interest are not a problem—consultants or scientists that develop standards will not serve on the Science Panel.

When asked of the potential involvement of the State Lands Commission, Don Oetzel commented that he was unsure of their level of commitment. They do fewer leases of land in the Delta than in the Bay. They'd probably be at the Policy Review Group level.

Program Charter

Al reviewed sections of the Draft Charter that was distributed to the group. He asked for comments to be emailed to him by July 12th. After revisions, it will be sent to the Directors of each signatory agency to be signed at a Kick-Off Executive Committee meeting, to be held in 2-3 months.

Jessie commented on the inconsistency of the terms Delta LTMS and Delta Sediment LTMS throughout the document. Ellen commented that the legislators that were working on the effort before would probably like to see it called the Delta Sediment LTMS. They should definitely be invited to the Kick-Off. She and Roberta will provide CirclePoint and the Corps with a list of legislative contacts.

Next Steps

The Policy Review Group is expected to meet in August (Mon/Tue/Wed) to finalize the Framework and the Charter. The Executive Kick-Off will be in mid-September. Work on the workplan will be ongoing. Staff was asked to determine possible dates with their Directors ASAP.

Roberta added that Linda Fiack from the Delta Protection Commission was unable to attend today's meeting but she is excited to be a part of this effort. The DPC is on the Executive Committee level, and that is very appropriate. Roberta read to the group thoughts that Linda asked her to share, including: the LTMS should consider very carefully what is recommended for the Primary Zone (an agricultural zone) and also it should coordinate with local Resource Management Plans. Please remember that the Delta Protection Commission is another forum for Delta stakeholder engagement from which the LTMS could benefit. The DPC can help with these efforts.